Before the **Federal Communications Commission** Washington, D.C. 20554

In the Matter of)
BRENT D. CULLEN)
Licensee of Amateur Service Station KD0YLM)

ORDER PROPOSING MODIFICATION

Released: February 6, 2015 Adopted: February 5, 2015

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. For the reasons set forth below, we propose to modify the license of Brent D. Cullen (Cullen), licensee of Amateur Radio Service Station KD0YLM. Specifically, we propose to modify Schofield's operator license to show Technician Class operator privileges.
- 2. Background. On December 3, 2014, the American Radio Relay League (ARRL) Volunteer Examiner Coordinator sent an electronic data file to the Commission requesting that Cullen's operator license for amateur station KD0YLM be modified to upgrade from Technician Class to General Class amateur radio operator privileges. Based on this application, the Commission granted Cullen a General Class amateur service operator license on December 3, 2014. This license authorizes Cullen to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(d) of our Rules 2
- 3. By correspondence dated January 16, 2015, ARRL notified the Commission that there was an error in the December 3, 2014 data file and that a licensee other than Cullen had qualified for a General Class operator license.³ ARRL noted that a correction was filed, resulting in the other licensee receiving the operator license for which he had qualified, but that Cullen's operator privileges had not been returned to Technician Class operator privileges.⁴
- 4. Discussion. We believe that ARRL's request is most properly characterized as an informal request for Commission action under Section 1.41 of the Commission's Rules.⁵ Based on the information now before us, it appears that ARRL intended to request that we modify the operator privileges of the licensee of amateur station KD0YLM. It also appears to us that the grant of General Class operator privileges to Cullen was erroneous because he did not pass the examination necessary to qualify for a General Class operator license. Rather, he appears to be currently authorized to operate with General Class operator privileges due to an error made during the application process.

¹ See File No. 0006568506 (filed Dec. 3, 2014).

² See 47 C.F.R. § 97.301(d).

³ E-mails dated January 16 and 22, 2015, from Perry Green. ARRL stated that it intended to modify the operator privileges of the licensee of KD0YLN rather than KD0YLM.

⁴ *Id*.

⁵ 47 C.F.R. § 1.41.

- 5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁶ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁷ We believe that a modification of the license for amateur station KD0YLM to replace General Class operator privileges with Technician Class operator privileges is appropriate.
- 6. In accordance with Section 1.87(a) of the Commission's Rules, we will not issue a modification order until Cullen has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Cullen must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554. If no protest is filed, Cullen will have waived his right to protest the modification and will be deemed to have consented to the modification.
- 7. Conclusion. For the reasons stated above, we conclude that the grant of General Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station KD0YLM by replacing General Class operator privileges with Technician Class operator privileges.
- 8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Brent D. Cullen for amateur service Station KD0YLM BE MODIFIED by replacing General Class operator privileges with Technician Class operator privileges.
- 9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Mr. Brent D. Cullen, 1022 Spring Lake Rd., Cloquet, MN 55720.
- 10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

⁸ 47 C.F.R. § 1.87(a).

⁶ 47 U.S.C. § 316(a)(1).

⁷ *Id*.

⁹ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail, and for hand-delivered or messenger-delivered documents. Commercial overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.